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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/730,858 | 12/09/2003 | Wu Feng Qing | P06454US01 | 3532 |
| 22885 | 7590 | 03/20/2006 | EXAMINER | |
| MCKEE, VOORHEES & SEASE, P.L.C. 801 GRAND AVENUE SUITE 3200 DES MOINES, IA 50309-2721 | | | GALL, LLOYD A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3676 | |

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|-------------------------------|--|
| Office Action Summary | Application No. 10/730,858 | Applicant(s) QING, WU FENG | |
| | Examiner Lloyd A. Gall | Art Unit 3676 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-15, 19-21, 23-32 and 34-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-15, 19-21, 23-32 and 34-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/09/03 and 12/29/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The disclosure is objected to because of the following informalities: On page 4, line 20, "Figures" should be replaced with --Figure--.

Appropriate correction is required.

Claim 15 is objected to because of the following informalities: In claim 15, line 1, one occurrence of "of claim" should be deleted. Appropriate correction is required.

Applicant should note that "either" in claim 1, line 8 and claim 30, line 15, is regarded by the examiner as being capable of biasing the dead bolt towards both the locked and unlocked positions.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Marin (733).

It is first noted that a storm door is not being positively claimed. Marin teaches a lock including side plates 24, 26, a dead bolt 42, 44, a cam 74, 76 having a portion 76 extending into a notch 80 of the dead bolt, and a spring 84 outside the dead bolt and engaging with two notches 86 to bias the dead bolt toward either a locked or unlocked position. The spring 84 further limits rotation of the cam and includes a through hole as seen in fig. 8.

Claims 8-15 and 41-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Kondratuk (162).

It is first noted that even though Kondratuk is drawn to a storm door environment as set forth in column 2, line 43, a storm door is not being positively claimed. Kondratuk teaches a lock for a mortise of a storm door as set forth in column 2, line 43, including side plates 44, 50 to receive a dead bolt 30 and a cam 20 therein, including a through hole in the cam to receive a spindle cooperable with a key cylinder and thumb turn on opposite sides of a storm door as set forth in column 2, lines 64-67, a first notch (recessed area 64) in the dead bolt between portion 39 and the thickened portion 37 of the bolt as seen in fig. 6, the first notch 64 receiving a cam arm 22 (fig. 8) of the cam, the cam arm 22 including a cam finger 23 which is received in a second notch 62 in the bolt, the second notch 62 having closed ends which prevent the finger 23 from passing into a lockout situation, the cam 20 cooperable with springs 60, wherein edge 34 defines both a stop and a lock indent as seen in fig. 3 and edge 32 defines both a stop

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and an unlock indent as seen in fig. 2. The indents 32, 34 are indented with respect to the first notch 64, and are approximately perpendicular to the cam finger 23. The second notch 62 is angular (perpendicular) to the first notch 64.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-21 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondratuk in view of Chen et al (839).

As set forth above, Kondratuk teaches a storm door and a storm door lock having side plates, a cam, dead bolt...etc. Kondratuk does not teach handles operable on both sides of the door to actuate a live bolt. Chen teaches handles 34 on a storm door to actuate a live bolt 82, used with a dead bolt 46. It would have been obvious to provide a handle actuated live bolt with the dead bolt of Kondratuk, in view of the teaching of Chen et al, the motivation being to allow the door to be held in a closed position without being locked, as is well known.

Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondratuk in view of Chen et al as applied to claim 19 above, and further in view of an additional teaching of Chen et al (839).

Chen also teaches escutcheon plates 36, 56 on the storm door. It would have been obvious to provide escutcheon plates on the sides of the storm door of Kondratuk, in

view of the teaching of Chen et al, the motivation being to provide an aesthetically pleasing appearance.

Claims 6-10, 12-15 and 41-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marin (733) in view of Kondratuk.

Marin teaches side plates 24, 26, and a cam 74 having a cam arm 76 cooperable with a notch 80 of a dead bolt 42, 44. Kondratuk has been discussed above, and includes a cam arm, 22 received within a first notch or indent 64 and a cam finger 23 cooperable with a second notch 62 having closed ends 32, 34 regardable as stops. It would have been obvious to modify the cam arm 76, notch 90 connection of Marin to include a cam arm, cam finger and first and second notches connection, in view of the teaching of Kondratuk, the motivation being to ensure the prevention of a lockout situation between the cam and dead bolt of Marin.

Claims 1-5, 7, 30 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (839) in view of Marin.

Chen teaches a storm door and a storm door lock body, including a storm door as seen in fig. 10, having opposed faces and an edge 108 with a mortise 102, side plates 44, 45, escutcheons 35, 56, a key cylinder 38, a first spindle 74, a turn button 52, a cam body 42 with a hole to receive the spindle 74, a cam arm 88 to engage a notch 92 in a dead bolt 46, a live bolt 82, a second spindle 32 and opposed handles 34 to actuate the live bolt 82. Marin teaches a spring 84 outside the dead bolt as set forth above. It would have been obvious to provide a spring with the dead bolt of Chen et al, outside of the dead bolt, in view of the teaching of Marin, the motivation being to bias the dead bolt in

its locked and unlocked positions and to aid in defining the stop positions of the cam in its locked and unlocked conditions.

Claims 6, 31, 32 and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al in view of Marin as applied to claims 1 and 30 above, and further in view of Kondratuk.

The teachings of Kondratuk have been set forth above. It would have been obvious to modify the cam arm 88 and notch 92 connection of Chen et al to include a cam arm, cam finger and first and second notches connection, in view of the teaching of Kondratuk, the motivation being to prevent a lockout situation and enable the stops 96 of Chen et al to not be required.

Claims 8-10, 12-15, 19-21, 23-29 and 41-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al in view of Kondratuk.

The teachings of Chen et al and Kondratuk have been set forth above, and Chen is regarded as teaching all of the claimed structure, except for the cam and notch connection. It would have been obvious to modify the cam arm 88 and notch 92 connection of Chen et al to include a cam arm, cam finger and first and second notches connection, in view of the teaching of Kondratuk, the motivation being to a prevent lockout situation and enable the stops 96 of Chen et al to not be required.

Applicant's arguments with respect to claims 1-10, 12-15, 19-21, 23-32 and 34-45 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The deletion of “assembly” after “dead bolt” in the independent claims whereby the dead bolt is claimed between the side plates also necessitated the new grounds of rejection.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Anderson (576) also teaches a lockout prevention connection 35, 83 with a dead bolt.

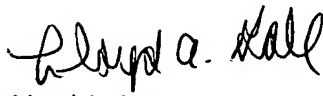
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 703-308-0828. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
March 16, 2006


Lloyd A. Galli
Primary Examiner